

## Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

**Responsible Entity:** New Jersey Department of Community Affairs, Richard Constable III, Commissioner

**Applicant Name:** \_\_\_\_\_ (First) \_\_\_\_\_ (Last)

-or- City of Somers Point (Business/Corporate Name)

**Project Location:** 100 Higbee Avenue (Street Address)

City of Somers Point (Municipality) Atlantic (County) NJ (State)

1511 (Block) 1 (Lot)

**Required Mitigation and Project Modification Measures:** [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20] (Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

### General

1. *Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.*
2. *If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.*

### Noise

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

### Air Quality

*Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see NCR40014\_AirQualityMemo). In addition, the following must be met:*

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*
4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*

- a. Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);
  - b. Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);
  - c. Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and
  - d. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).
9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).
  10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).
  11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

#### **Floodplain Management and Flood Insurance**

1. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
2. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.
3. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

#### **Energy Efficiency**

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

#### **Hazardous Waste**

Based on the construction date of the building, Lead Based Paint (LBP) and Asbestos Containing Materials (ACMs) may be present in the building. While some construction activities have already occurred, the applicant has been unable to provide documentation indicating that proper assessments and/or abatements have taken place; therefore, LBP and ACM remains a concern. A LBP and ACM survey is to be conducted for the property to ensure that materials, if present, are identified in order to allow for proper handling, disposal and worker health and safety measures are implemented.

The following must be met:

1. *All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:*
  - *National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145*
  - *National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150*
  - *NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials*
  - *New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.*
2. *Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).*
3. *All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.*
4. *Should impacted soils be encountered during construction, they should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP).*

**Soil and Water Quality/Farmland Protection**

*Obtain Cape-Atlantic Soil Conservation District Soil Erosion and Sediment Control Plan Certification. The following requirements will also be met.*

1. *Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
2. *Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*

## **FINDING:**

- ☐ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project; OR
- ☒ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- ☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

## **CERTIFICATIONS:**

Gary Doss, Dewberry  
Preparer Name and Agency

  
Preparer Signature

12/9/2014  
Preparer Completion Date

RE Certifying Officer Name

RE Certifying Officer Signature

RE CO Signature Date

## **Funding Information:**

Grant Number	HUD Program	Funding Amount
B-13-DS-34-0001	CDBG-DR	\$400,000

**Estimated Total HUD Funded Amount: \$400,000**

**Estimated Total Project Cost [24 CFR 58.32(d)]: (HUD and non-HUD funds) \$950,000**

## **Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

*The proposed project is intended to rehabilitate the subject building, which incurred flood damage as a result of Superstorm Sandy. The project will help the community of Somers Point capitalize on local tourism by reestablishing the Gateway Theater. This project will help restore economic vitality to the shore community by increasing low to moderate-income part time and full time employment opportunities.*

**Description of the Proposed Project** [24 CFR 50.12 & 58.32, 40 CFR 1508.25]: ( Include all contemplated actions that are logically either geographically or functionally a composite part of the project, regardless of the source of funding. As appropriate, attach maps, site plans, renderings, photographs, budgets, and other descriptive information.)

*The proposed project will rehabilitate the storm-damaged and vacant former Gateway Playhouse into the Gateway Theater. Rehabilitation activities will include the incorporation of dry flood-proofing mitigation, such as installation of flood gates at the at-grade doorways, elevation of utilities, elevation of the interior dressing room floors, and replacement of at-grade structural lumber with moisture-resistant concrete board.*

*Note: File parcel maps that are referenced in the STATUTORY CHECKLIST [24CFR 50.4, 24 CFR 58.5] section below show the project property in a red-shaded box, with the PAMS Pin ID# of 0121\_1511\_1. The properties highlighted with blue shading are not related to this project.*

**STATUTORY CHECKLIST** [24 CFR 50.4, 24 CFR 58.5]**DIRECTIONS – For each authority, check either Box “A” or “B” under “Status.”****“A box”** The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR**“B box”** The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.**IMPORTANT:** Compliance documentation consists of verifiable source documents and/or relevant base data.

Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties.

Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §50.4 & 58.5	STATUS		Compliance Documentation
	A	B	
<b>1. Air Quality</b> [Clean Air Act, as amended, particularly sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is within Atlantic County, which is shown as being designated a nonattainment or maintenance area for the following National Ambient Air Quality Standard (NAAQS) pollutants (see NCR40014_AirQualityMap): <ul style="list-style-type: none"> <li>• Nonattainment area for 8 hour Ozone standard of 0.08 ppm (1997 standard)</li> <li>• Nonattainment area for 8 hour Ozone standard of 0.075 ppm (2008 standard)</li> <li>• Maintenance area for 8-hour Carbon Monoxide standard of 9ppm</li> </ul> Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see NCR40014_AirQualityMemo). The project will involve rehabilitation of the Gateway Theater building. Temporary impacts to air quality may occur during construction; however, no long-term impacts to air quality are anticipated. The temporary impacts can be mitigated through Best Management Practices (BMPs) including the usage of water or chemical dust suppressant, covering load compartments of trucks carrying dust-generating material, and retrofitting older equipment with pollution controls.
<b>2. Airport Hazards</b> (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Newark Liberty International Airport is located approximately 97 miles to the north of the project. Atlantic City International Airport is located approximately 10 miles to the north of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 51 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see NCR40014_AirportHazardsMap).

<b>3. Coastal Zone Management</b> [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is located within the CAFRA zone (see NCR40014_CoastalZoneManagementActMapCAFRA). The site, however, is not within 150 feet of the mean high water line (MHWL); therefore, no CAFRA permits are required.</p> <p>In addition, according to consultation with the NJDEP Division of Land Use Regulation (DLUR), no Waterfront Development or Coastal Wetland permits are required for the project (see "DLUR" within the "NCR40014 Correspondence" folder).</p>
<b>4. Contamination and Toxic Substances</b> [24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No hazardous sites were identified within 3,000 feet of the project (see NCR40014_ToxicHazardousandRadioactiveSubstancesMap). In addition, no toxic or hazardous substances were observed on-site during the site reconnaissance.</p> <p>According to property tax assessment information, the subject building was originally constructed in 1936 (see NCR40014_TaxCard). Based on the age of the structure, the building may contain lead based paint (LBP) and/or asbestos-containing materials (ACMs). The applicant stated that no assessments for LBP/ACM haven taken place. While renovations have occurred (i.e., building exterior renovations), residual LBP/ACM may be present within the building. An assessment for these materials is recommended to determine whether any are present, and if so, ensure that proper handling, disposal and worker health and safety measures are implemented.</p> <p>The property is within Somers Point, which has been identified as an area of moderate radon potential (see NCR40014_RadonMap). Therefore, no further assessments regarding radon are necessary at this time.</p>
<b>5. Endangered Species</b> [Endangered Species Act of 1973, particularly section 7; 50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The USFWS Information, Planning and Conservation (IPaC) search results identified the potential for piping plover and northern long-eared bat within proximity to the site (see NCR40014_IPaC within the "USFWS" folder). It is noted, however, that the property is not mapped as being potential habitat for these species (see NCR40014_EndangeredSpeciesMap). In addition, the NJDEP GIS Tool Centroid Layer does not identify the property as potentially containing federal or state-listed threatened/endangered species (see NCR40014_EndangeredSpeciesCentroid). The NJDEP Natural Heritage Program (NHP) database also indicates that no potential habitat for threatened/endangered species is on-site (see NCR40014_NHPResponse).</p> <p>It is noted that the NJDEP GIS map did identify potential bat habitat within the parcel across Higbee Avenue, to the southwest of the project site. In addition, the NHP database search also identified potential habit for state endangered and threatened species within one mile of the project site. Based on the proposed project activities, however, (i.e., rehabilitation of the existing building within the existing footprint) no disturbance to these species is anticipated.</p>



<b>6. Environmental Justice</b> [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not within an area identified as containing environmental justice populations (0-10% minority and 0-10% below poverty). It is noted, however, that the community at large does include some areas identified as containing environmental justice populations. See NCR40014_EJ, NCR40014_EnvironmentalJusticeMinorityMap and NCR4014_EnvironmentalJusticePovertyMap. The proposed project will involve rehabilitation to the Gateway Theater. During the short term, this will provide benefits to employment through increasing demand for construction-related jobs. In addition, according to the project application, the project will provide long-term benefits to low and moderate income populations by creating three full-time and approximately a dozen seasonal/part time employment opportunities. Furthermore, the project will increase the draw to the Somers Point business district, thereby benefitting other local businesses. The project will therefore have a benefit to environmental justice communities within the overall project area.</p>
<b>7. Explosive and Flammable Operations</b> [24 CFR 51C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project will rehabilitate the building, allowing it to be inhabited. Therefore, the project is subject to the requirements of 24 CFR Part 51C. No aboveground storage tanks (ASTs) were observed on-site or in the immediate vicinity of the project (see NCR40014_ASDMap).</p>
<b>8. Farmland Protection</b> [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR 658]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The property is mapped within farmland of statewide importance (see NCR40014_FarmlandSoilsProtectionMap); however, the property is currently developed and non-agricultural in use. The project will therefore not convert agricultural land into non-agricultural uses. In addition, the property is not currently zoned for agricultural uses.</p> <p>The applicant will need to obtain Cape-Atlantic Soil Conservation District Soil Erosion and Sediment Control Plan Certification. The following requirements will also be met.</p> <ol style="list-style-type: none"> <li>1. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.</li> <li>2. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.</li> </ol>
<b>9. Floodplain Management</b> [24 CFR 55; Executive Order 11988, particularly section 2(a)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The property is entirely within the 100-year floodplain (see NCR40014_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap). The project involves rehabilitation and flood-proofing the building; therefore, the project will be subject to a Flood Hazard Area Control Act Individual Permit 7:13-11.5(q).</p> <p>It is noted that the property as shown on the GIS map as being within the A zone. Specifically, the attributes within the GIS map show the property as being within the AE zone, which is a subset of the A zone (100-year floodplain, base flood elevations determined). The FEMA Flood Insurance Rate Map (FIRM) for the property area (FIRM 3400170001B, Panel 1 of 2) notes that the property is within Zone A5. This is an older classification of the 100-year floodplain with base flood elevations determined. The FIRM panel was issued November 17, 1982.</p> <p>Since no practicable alternatives to locating within the floodplain were identified, an 8-step decision-making process was conducted as outlined</p>



		<p>in 24 CFR 55.21. A public notification was posted on November 21, 2014 with a comment period of 15 days. No comments were received. A copy of the 8-step checklist, the 8-step analysis and public notifications can be found in the supporting documentation (see folder NCR40014_8Step).</p> <p>Steps 1-6 have been conducted (see folder NCR40014_8Step). Step 7 (Determination of No Practicable Alternative) involves the publication of a 7-day notice stating the reasons why the project must be located in the floodplain, provides a list of alternatives proposed, and all mitigation measures taken to minimize adverse impacts on the floodplain and preserve natural and beneficial floodplain values. All comments received from this publication will be responded to and fully addressed prior to funds being committed to the proposed project, in compliance with Executive Order 11988 or 24 CFR Part 55. The publication of this notice will be included in the project's Notice of Intent/Request Release of Funds (NOI-RROF) publication.</p> <p>Step 8 will consist of the implementation of the proposed action. Implementation may require additional local and state permits, which could place additional design modifications or mitigation requirements on the project.</p>
<b>10. Historic Preservation</b> [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR 800]	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>The property is not located within the Historic Preservation Exemption Zone and is not located within the Archaeological Site Grid (see NCR40014_HistoricPreservationExemptionZoneMap). The building was constructed in 1936 (see NCR40014_TaxCard) and is located within the Somers Point Historic District; therefore SHPO consultation was required. The SHPO concurred on December 1, 2014 that based on the proposed rehabilitation activities, the project would have no adverse effect on historic properties listed in or eligible for listing in the state and national register (see NCR40014_SHPO Response). Further consultation with the SHPO is not necessary at this time.</p>
<b>11. Noise Abatement and Control</b> [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR 51B]	<input checked="" type="checkbox"/>	<input type="checkbox"/> <p>A Day/Night Noise Level (DNL) calculation for the project was not conducted. DNL noise standards are applicable only to projects "providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development" (24 CFR 51.101(a)(3)). The proposed project is not for housing or a noise sensitive use; therefore the DNL noise standards are not applicable.</p> <p>It is anticipated that construction activities will create a temporary noise impact. This impact can be mitigated through the use of BMPs such as installation of mufflers on equipment and performing construction during daytime.</p>

<b>12. Sole Source Aquifers</b> [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/> The project is within the Coastal Plain Sole Source Aquifer (see NCR40014_SoleSourceAquiferMap); however, the project involves rehabilitation of the existing structure within its existing footprint, and will not increase impervious cover on the property. In addition, no above-ground or underground storage tanks are located on the property or proposed to be located on the property. The property also receives municipally-supplied drinking water (from New Jersey American Water) and sewer utilities (maintained by the City of Somers Point and the Atlantic County Utilities Authority). Therefore, no impacts to the aquifer are anticipated and consultation with the USEPA Region 2 is not necessary (see "Sole Source Aquifer Memo").
<b>13. Wetlands Protection</b> [24 CFR 55, Executive Order 11990, particularly sections 2 & 5]	<input checked="" type="checkbox"/>	<input type="checkbox"/> No wetlands are mapped on the property or in the immediate vicinity of the property (see NCR40014_WetlandProtectionMap), and no wetlands were observed during the site reconnaissance. Therefore, the project is not anticipated to impact wetlands.
<b>14. Wild and Scenic Rivers</b> [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c); 36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/> The Wild and Scenic Rivers Act of 1968 protects selected rivers in a free-flowing condition (16 U.S.C. 1271) and prohibits federal support for activities that would harm a designated river's free-flowing condition, water quality, or outstanding resource values.  The property is mapped within the Great Egg Harbor River buffer area (see NCR40014_WildandScenicRiverMap). However, the project is the rehabilitation of an existing building, within the existing footprint, and does not involve the addition of impervious surface. The subject property is approximately 240 feet to the north of the waterway; therefore, the project is not anticipated to pose an adverse impact to the river and no consultation with the National Parks Service (NPS) is warranted.

## 24 CFR 58.6 CHECKLIST [24 CFR 50.4, 24 CFR 58.6]

### 1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

☒ **No.** Cite or attach Source Documentation:

*Newark Liberty International Airport is located approximately 97 miles to the north of the project. Atlantic City International Airport is located approximately 10 miles to the north of the project. The nearest military airfield, Lakehurst Naval Air Station, is located approximately 51 miles north of the project. The project is not within 15,000 feet of a military air field or 2,500 feet from the end of a civilian airport runway. The project is therefore not within an Airport Clear Zone or Accident Potential Zone (see NCR40014\_AirportHazardsMap).*

[Project complies with 24 CFR 51.303(a)(3).]

☐ **Yes.** Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

### 2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

☒ **No.** Cite or attach Source Documentation:

*The nine designated units of the Coastal Barrier Resources System in New Jersey are uninhabited. The 12 "otherwise protected areas" associated with the Coastal Barrier Resources System in New Jersey are also uninhabited. Therefore, no project activities would occur on designated coastal barriers or in "otherwise protected areas," and the proposed project would have no impact on coastal barrier resources. The nearest CBRS unit is NJ-08P which is located approximately 7 miles to the south. See NCR40014\_CoastalBarrierResourceActMap.*

[Proceed with project.]

☐ **Yes.** Federal assistance may not be used in such an area.

### 3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 (42 USC 4001-4128 and 42 USC 5154a)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

☐ **No.** Cite or attach Source Documentation: [Proceed with project.]

☒ **Yes.** Cite or attach Source Documentation: *See*

*NCR40014\_FloodplainMgmtandFloodInsuranceNFIPNotInFloodwayMap.pdf.*

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

☒ **Yes. Flood Insurance under the National Flood Insurance Program must be obtained.** If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

☐ **No. Federal assistance may not be used in the Special Flood Hazard Area.**

## **Summary of Findings and Conclusions**

**Field Inspection** (Date and completed by): *November 25, 2014; conducted by Lawrence Smith, Senior Planner, and Gary Doss, Environmental Planner.*

**Summary Statement of Findings and Conclusions:** *Based on the findings of this environmental review, the proposed project will have a net benefit on the project area.*

**Required Mitigation and Project Modification Measures:** [24 CFR 58.40(d), 40 CFR 1505.2(c), 40 CFR 1508.20] (Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

### **General**

1. *Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.*
2. *If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under the National Environmental Policy Act.*

### **Noise**

1. *Outfit all equipment with operating mufflers.*
2. *Comply with the applicable local noise ordinance.*

### **Air Quality**

*Project activities must meet the regulatory requirements of New Jersey's Air Rules and Air Pollution Controls (see NCR40014\_AirQualityMemo). In addition, the following must be met:*

1. *Use water or chemical dust suppressant in exposed areas to control dust.*
2. *Cover the load compartments of trucks hauling dust-generating materials.*
3. *Wash heavy trucks and construction vehicles before they leave the site.*
4. *Reduce vehicle speed on non-paved areas and keep paved areas clean.*
5. *Retrofit older equipment with pollution controls.*
6. *Establish and follow specified procedures for managing contaminated materials discovered or generated during construction.*
7. *Employ spill mitigation measures immediately upon a spill of fuel or other hazardous material.*
8. *Obtain an air pollution control permit to construct and a certificate to operate for all equipment subject to N.J.A.C. 7:27-8.2(c). Such equipment includes, but is not limited to, the following:*
  - a. *Any commercial fuel combustion equipment rated with a maximum heat input of 1,000,000 British Thermal Units per hour or greater to the burning chamber (N.J.A.C. 7:27-8.2(c)1);*
  - b. *Any stationary storage tank for volatile organic compounds with a capacity of 2,000 gallons and a vapor pressure of 0.02 pounds per square inch or greater (N.J.A.C. 7:27-8.2(c)9);*
  - c. *Any tank, reservoir, container, or bin with capacity in excess of 2,000 cubic feet used for storage of solid particles (N.J.A.C. 7:27-8.2(c)10); and*
  - d. *Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators (N.J.A.C. 7:27-8.2(c)21).*

9. Minimize idling and ensure that all on-road vehicles and non-road construction equipment operated at or visiting the project site comply with the applicable smoke and "3-minute idling" limits (N.J.A.C. 7:27-14.3, 14.4, 15.3 and 15.8).
10. Ensure that all diesel on-road vehicles and non-road construction equipment used on or visiting the project site use ultra-low sulfur fuel (<15 ppm sulfur) in accordance with the federal Non-road Diesel Rule (40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068).
11. Operate, if possible, newer on-road diesel vehicles and non-road construction equipment equipped with tier 4 engines, or equipment equipped with an exhaust retrofit device.

#### **Floodplain Management and Flood Insurance**

1. All proposed reconstruction, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the Flood Hazard Area Control Act rules (N.J.A.C. 7:13).
2. All structures funded by the CDBG-DR programs, if in, or partially in, the 100-year floodplain shown on the effective FEMA Flood Insurance Rate Map, must be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.
3. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

#### **Energy Efficiency**

All reconstruction, new construction and rehabilitation projects in the HUD CDBG programs must be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigation of the impact of future disasters.

#### **Hazardous Waste**

Based on the construction date of the building, Lead Based Paint (LBP) and Asbestos Containing Materials (ACMs) may be present in the building. While some construction activities have already occurred, the applicant has been unable to provide documentation indicating that proper assessments and/or abatements have taken place; therefore, LBP and ACM remains a concern. A LBP and ACM survey is to be conducted for the property to ensure that materials, if present, are identified in order to allow for proper handling, disposal and worker health and safety measures are implemented.

The following must be met:

1. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:
  - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
  - National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
  - NJAC 7:26-2.12—Generator requirements for disposal of asbestos containing waste materials
  - New Jersey Asbestos Control and Licensing Act, N.J.S.A. 34:5A-32 et seq.
2. Applicant must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g. asbestos, lead-based paint) or household waste (e.g. construction and demolition debris, pesticides/herbicides, white goods).

3. *All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to HUD's lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.*
4. *Should impacted soils be encountered during construction, they should be excavated and properly disposed of at an off-site permitted disposal facility in accordance with all applicable local, state and federal regulations. In the event that the impacted soils constitute a reportable release, the appropriate information pertaining to the release and the responsible party should be provided to the New Jersey Department of Environmental Protection Hotline, and the impacted media remediated with the oversight of a Licensed Site Remediation Professional (LSRP).*

**Soil and Water Quality/Farmland Protection**

*Obtain Cape-Atlantic Soil Conservation District Soil Erosion and Sediment Control Plan Certification. The following requirements will also be met.*

1. *Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in waters and to prevent erosion in wetlands and waters.*
2. *Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.*